

U.S. DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
RECEIVED - LAFAYETTE

OCT 16 2018

TONY R. MOORE, CLERK
BY  DEPUTY

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
LAFAYETTE DIVISION

AARON GUIDRY ET AL

CASE NO. 6:18-CV-01232

VERSUS

JUDGE SUMMERHAYS

TERESA ELBERSON ET AL

MAGISTRATE JUDGE HANNA

ORDER

This matter came before the undersigned on this date, on referral from the district judge [Rec. Doc. 30], for a hearing on the motion for preliminary injunction [Rec. Docs. 1, 22], filed by the plaintiffs. In conjunction with the hearing, the following orders are hereby issued:

At the outset, the undersigned acknowledged receipt, just prior to the hearing, of various “notices of nonsuiting,” filed by the plaintiffs, Aaron Guidry, John Gunter, Jr., and Mark Christopher Sevier, in addition to a previously-filed “notice of non-suiting,” filed by the plaintiff, Rich Penkoski. [See Rec. Docs. 85, 86, 87, and 80]. Three of the notices [Rec. Docs. 80, 86, and 87] serve as voluntary dismissals, for which no further court order is required, pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(i). Accordingly, the Clerk of Court is ORDERED to TERMINATE Plaintiffs Rich Penkoski, Joan Grace Harley, and Whitney Kohl, and Defendants John Bel Edwards, Jeffrey Martin Landry, and Stuart R. Shaw, as named

in their capacities as the Governor of Louisiana, Attorney General of Louisiana, and Clerk of Court for Red River Parish, respectively.

In light of the aforementioned dismissals, the Motion to Dismiss [Rec. Doc. 82], filed by Attorney General Landry, and the deficient Motions for Cynthia B. Burris to Appear Pro Hac Vice [Rec. Docs. 70, 71], filed by Plaintiffs Rich Penkoski, Joan Grace Harley, and Whitney Kohl are hereby DENIED AS MOOT.

As to the “Notice of Non-Suiting . . . Against the Mayor if and only if the Mayor is not a Necessary Party” [Rec. Doc. 85], counsel for Mayor Joel Robideaux is hereby ordered to respond thereto **no later than close of business on Tuesday, October 23, 2018.**

For reasons stated on the record, the Motion to Electronically File through ECF [Rec. Doc. 31] and the Motion for the Court to Waive Pro Hac Vice Rules for Cynthia B. Burris to Appear on Behalf of the Non-Attorney Plaintiffs [Rec. Doc. 74] are hereby DENIED.

For reasons stated on the record, the Motion for Plaintiff John Gunter, Jr. to Appear Telephonically [Rec. Doc. 88] for today’s hearing is DENIED AS MOOT.

For the reasons stated on the record, the remaining plaintiffs, Aaron Guidry, John Gunter, Jr., and Mark Christopher Sevier, were given leave to file an Amended Complaint [*see* Rec. Doc. 93]. In light thereof, and on oral motion by the plaintiffs, the previously-filed pleadings [Rec. Docs. 1, 5] and motions for preliminary and/or

permanent injunction and filings in support thereof [Rec. Docs. 1, 21, 22, 69, and 77], are hereby STRICKEN.

In consideration of the Amended Complaint [Rec. Doc. 93], and for reasons stated on the record, the plaintiffs are hereby ORDERED to brief the issue of standing as to each of the remaining plaintiffs, Aaron Guidry, John Gunter, Jr., and Mark Christopher Sevier, **no later than Tuesday, November 6, 2018**. Responses by the remaining defendant(s) are due by **Friday, November 16, 2018**. Replies thereto are due by **Friday, November 23, 2018**. In accordance with Local Rule 7.8, the briefs shall not exceed 25 pages in length, exclusive of pages containing a table of authorities or a table of contents, and no reply brief shall exceed 10 pages.

Signed in Lafayette, Louisiana, October 16, 2018.



PATRICK J. HANNA
UNITED STATES MAGISTRATE JUDGE